



ఆంధ్రప్రదేశ్ రాజపత్రము

THE ANDHRA PRADESH GAZETTE

PUBLISHED BY AUTHORITY

W.No.38

AMARAVATI, WEDNESDAY, SEPTEMBER 23, 2020

G.232

PART II - MISCELLANEOUS NOTIFICATIONS OF INTEREST TO THE PUBLIC

--X--

NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

COMMANDANT, HQRS., APSPF, TIRUPATI.

Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20.

Date: 10.08.2020.

O.O.No.955/2020.

DISCIPLINARY CASE AGAINST Sri P. BABU RAO, CT-5344 OF APSPF,
COMMANDANT OFFICE, TIRUPATI - FINAL ORDERS - ISSUED.

Ref: 1) Report of the Station Fire Officer, Suryabagh Fire Station, Visakhapatnam vide Rc.No.33/Visakhapatnam/2019-20, dated:13.08.2019.

2) Report of the Inspector (Admn), O/o the Commandant HQrs., APSPF, Tirupati vide C.No.01/Inspr (Admn)/APSPF/TPT/2019, dated:13.08.2019.

3) This Office Rc.No.01/Comdt.Hqrs/APSPF/TPT/2019, dated:14.08.2019.

4) This Office Rc.No.01/Comdt.Hqrs/APSPF/TPT/2019, dated:07.10.2019.

5) Memorandum Rc.No.APSPF/A3/PR/Genl/2019, dated:15.10.2019 of the DIG, APSPF, Guntur.

6) Recall Memo: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019, dated:29.10.2019.

7) Charge Memo: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019, dated:21.11.2019.

- 8) C.No.13/Insp/APSPF/TPT/CT-5344/2019/D.No.2071, dated:30.12.2019 of the Inspector (Admn), O/o Comdt.HQrs., APSPF, Tirupati.
- 9) This Office Lr. Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20, dated:04.01.2020.
- 10) The A.P. Gazette Notification W.No.5, G.559, dated:30.01.2020.
- 11) Appointing of EO: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20, O.O.No.265/2020, dated:22.02.2020.
- 12) OE report: Rc.No.13/AC/SPF/TTD/TPT/OE-5344/2020/741, dated:11.04.2020 of the AC, APSPF, TTD Tirupati.
- 13) Show Cause Notice: This Office Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20, dated:30.04.2020.
- 14) C.No.13/RI/SPF/TPT/Ack/D.No.1185/2020, dated:22.06.2020 of the Inspector (Admn), APSPF, Tirupati.
- 15) This Office Lr. Rc.No.08/A3/Comdt.Hqrs/APSPF/TPT/2019-20, dated:24.06.2020.
- 16) The A.P. Gazette Notification W.No.27, G.126, dated:02.07.2020.

-:oOo:-

ORDER:

In the reference first cited, the Station Fire Officer, Suryabagh Fire Station, Visakhapatnam submitted a report to the District Fire Officer, Visakhapatnam against Sri P. Babu Rao, CT-5344 of APSPF (who has undergone the Job training with A.P. State Disaster Response & Fire Services Department along with other APSPF personnel) wherein it was stated, the said Constable has initially reported sick on 15.05.2019 and availed Medical Leave for a period of (28) days w.e.f. 15.05.2019 AN to 12.06.2019 AN as advised by the Casualty Medical Officer, King George Hospital, Visakhapatnam. Subsequently; he has extended Medical Leave for another (56) days i.e., upto 07.08.2019 AN in two different spells, as advised by the concerned Medical Officer. After availing (84) days of Medical Leave, he did not report back for duties and became unauthorized absence from 07.08.2019 AN by overstaying from Medical Leave.

In the reference second cited, the Inspector (Admn), O/o the Commandant HQrs, APSPF, Tirupati furnished a report stating that, (73) APSPF personnel who were allotted to Commandant Office, Tirupati and undergone on the Job training with A.P. State Disaster Response & Fire Services Department, have reported at Commandant HQrs, Tirupati on 10.08.2019 and 11.08.2019 except one Constable i.e., Sri P. Babu Rao, CT-5344. On inquiry with the Station Fire Officer, Suryabagh Fire Station, Visakhapatnam where the said Constable was attached, it reveals that, he has availed (84) days of Medical Leave from 15.05.2019 AN to 07.08.2019 AN and later on became unauthorized absence w.e.f.07.08.2019 AN.

In the references third and fourth cited, the undersigned has furnished reports to the Director General, APSPF, Guntur on the unauthorized absence of Sri P. Babu Rao, CT-5344. Subsequently, the undersigned was instructed vide reference fifth cited to initiate necessary disciplinary action against the said Constable.

In the reference sixth cited, a Re-call Memo was sent to the native address of the said Constable by Registered post with acknowledgement due, instructing him to report back for duties immediately. But, the said postal cover was returned with postal remarks as "*Addressee left without instructions. Hence returned to sender*".

In the reference seventh cited, an Article of Charge was framed against Sri P. Babu Rao, CT-5344 for absenting the duties unauthorizedly (OSL from ML) w.e.f. 07.08.2019 AN and explanation called for.

In the reference eighth cited, the Inspector (Admn), O/o Commandant HQrs, APSPF, Tirupati stated that, the said Memorandum of Charge which was sent to his native address by Registered post with acknowledgement due, was returned with postal remarks as "*Addressee left without instructions. Hence returned to sender*".

In the reference ninth cited, the Commissioner, Printing Stationery & Stores Purchase, Vijayawada was requested to publish the said Memorandum of Charge in the A.P. Gazette. Accordingly, the Memorandum of Charge was published in the A.P. Gazette vide reference tenth cited.

Since the Charged Officer did not submit any explanation to the Memorandum of Charge even after it was published in the A.P. Gazette, as per the due procedure laid down in the APCS(CC&A) Rules 1991, an Oral Enquiry was ordered duly appointing Sri O. Krishnaiah, Asst. Commandant, APSPF, Tirupati as an Inquiring Authority vide reference eleventh cited to inquire into the charge levelled against the Charged Officer.

The Inquiring Authority has conducted an **ex-parte** enquiry as the Charged Officer failed to attend the OE and submitted enquiry report vide reference twelfth cited duly "**Proving**" the Article of Charge framed against the Charged Officer.

In the reference thirteenth cited, a Show Cause Notice was issued to the Charged Officer inviting further explanation if any, on the enquiry report.

In the reference fourteenth cited, the Inspector (Admn), APSPF, Tirupati stated that, the copy of the said Show Cause Notice was sent to his native address by registered post with acknowledgement due, as he was on unauthorized absence. But, the said postal cover containing the Show Cause Notice has been returned with postal remarks as "*Addressee left without instructions. Hence returned to sender*".

In the reference fifteenth cited, the Commissioner, Printing Stationery & Stores Purchase, Vijayawada was requested to publish the Show Cause Notice along with OE report in the A.P. Gazette. Accordingly, the said Show Cause Notice was published in the A.P. Gazette vide reference sixteenth cited. But, the Charged Officer did not submit any explanation to the Show Cause Notice till date.

Having gone through the entire PR file, I agree with the findings and opinion of the Enquiry Officer, who proved the Article of Charge framed against the Charged Officer. I am of the considered opinion that the Charged Officer is a willful absentee for a prolonged period of one year. The Charged Officer proceeded on Medical Leave for (84) days and subsequently became unauthorized absence from 07.08.2019 AN without informing his whereabouts to superiors. If he was really

suffering with ill health and intended to take medical treatment and rest, nothing prevented him to extend Medical Leave duly following the prescribed procedure. The Enquiry Officer has conducted an **ex parte** enquiry as the Charged Officer failed to attend the OE and submitted report proving the charge, basing on the statement/evidence deposed by the concerned witness only. Further, he failed to receive official letters/documents (i.e., Memorandum of Charge, OE intimation letter and Show Cause Notice etc.,), which were sent to his native address by Registered post with acknowledgement due. All the concerned documents were returned by the postal department. The Charged Officer did not furnish his present address to superiors to evade communication from the department, which clearly indicates that he had no intention to serve the department. Further, the Memorandum of Charge and Show Cause Notice have been published in the A.P. Gazette, as envisaged in APSCS (CC&A) Rules 1991, as his whereabouts are not known and unable to serve on him.

This is an Armed Force and any absence by a member of the Force on his own for such a long period of exceeding one year will have adverse impact on operational duties and the personnel are required to be put on extra duties in place of habitual absentees and thus it amounts to gross misconduct. Hence, he deserves to be punished appropriately.

The Government vide G.O.Ms. No 260, Genl. Admn. (Ser. C) Dept., dated: 04.09.2003 directed that "in all cases of unauthorized absence to duty for a continuous period exceeding 'one year', the penalty of removal from service shall be imposed on the Government employee, after duly following the procedure laid in the Andhra Pradesh Civil Services (CC&A) Rules, 1991".

I, therefore, award the Charged Officer with a penalty of "**Removal from Service**" with immediate effect under Rule-9(ix) of APSCS (CC&A) Rules 1991.

The Medical Leave period of (84) days from 15.05.2019 AN to 07.08.2019 AN is treated as "**Commututed leave**" and the entire un-authorized absence period of (369) days from 07.08.2019 AN to 10.08.2020 (date of issuing this orders) is treated as "**Not on duty**".

Receipt of the proceedings be acknowledged.

M. SANKARA RAO,
Commandant, Hqrs.,
A.P.Special Protection Force,
Tirupati.

To

Sri P. Babu Rao, CT-5344 of APSPF, Commandant Office, Tirupati.

thro' the Inspector (Admn), APSPF, Tirupati – *He is directed to serve the orders on the above individual and return the dated acknowledgement copy to this office immediately.*